



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Charles Brown,
County Correction Officer (S9999W),
Union County

CSC Docket No. 2018-3442

Reconsideration

ISSUED: August 3, 2018 (RE)

Charles Brown requests reconsideration of the decision rendered on April 4, 2018, which denied his request that his record be adjusted to reflect continuous permanent service.

By way of background, the facts in this matter are thoroughly addressed in the attached decision. *See In the Matter of Charles Brown, County Correction Officer (S9999W), Union County*, (CSC, decided April 4, 2018). As stated in the prior decision, the Civil Service Commission (Commission) found that the petitioner’s appeal was untimely and was dismissed solely on those grounds. However, the Commission noted that even if his request was timely, it would be denied on the merits.

In his request for reconsideration, the petitioner argues that his appeal is not untimely, but “ongoing,” due to conversations he has had with Commission staff and the Pension Board. He provides no further explanation of that issue. Next, the petitioner states that the Commission’s determination was erroneous and conflicting, and that he has not been given a definitive answer why the appointing authority did not provide him with a July 6, 1999 appointment date. He states that the Commission did not specify that his original appointment date was July 6, 1999, and did not award him back pay due to this error.

The petitioner also argues that the Director of Administrative Services failed to appear at the October 19, 2000 hearing of the Medical Review Panel, nor did he

submit exceptions to its Report and Recommendation¹ to the Merit System Board (Board) in a timely manner. As such, he maintains that delayed the Board's decision which restored his name to the eligible list. *See In the Matter of Charles Brown, County Correction, (S9999W), Union County* (MSB, decided December 19, 2000). The petitioner argues that had this delay not occurred, he would have been at work when others were hired from the list. He states that he was not laid off or considered for an intergovernmental transfer, and continues to maintain that there is a pattern of denial for pay and seniority due to errors in hire dates. The petitioner provides two letters from current Correctional Officers who believe their rights have been disregarded by the appointing authority.²

As to the layoff, the petitioner contends that the union and the appointing authority agreed to change the number of officers being laid off without notifying Civil Service, and therefore, 10 officers kept their jobs. He reiterates that 18 officers were hired in provisional appointments without notification to Civil Service or utilization of Special Reemployment Lists (SRLs), and others were transferred back in disregard of the officers who were laid off. The petitioner concludes that his rights were violated when 10 officers were not laid off, the union was in collusion with the appointing authority and other officers, and his lawyer released information to the union without his permission.

CONCLUSION

N.J.A.C. 4A:2-1.6(b) provides that a petition for reconsideration must show the following:

1. New evidence or additional information not presented at the original proceeding which would change the outcome and the reasons that such evidence was not presented at the original proceeding; or
2. That a clear material error has occurred.

The petitioner has not demonstrated a basis to reconsider the prior decision. In the present matter, the Commission's decision is amply supported by substantial evidence. There is nothing in the record to demonstrate that the Commission's decision was arbitrary, capricious or unreasonable or against the weight of the credible evidence. The petitioner's original appeal was clearly untimely. Although he claims his appeal cannot be considered untimely due to the conversations he had with Commission staff, the petitioner has not provided any evidence that he appealed the matter concerning his continuous permanent service and appointment date to the Board or the Commission until 15 years after he first became aware of

¹ The Report and Recommendation was to the Merit System Board from the Medical Review Panel and the recommendation from the October 19, 2000 meeting was to restore the applicant to the eligibility list.

² These matters are being handled as separate appeals.

these issues in October 2002. Similarly, the petitioner's arguments concerning the asserted delays by the appointing authority in connection with his list removal appeal in 2000, and the number of employees being laid off in 2001, were not raised until he filed his appeal in 2017. As such, his appeal was appropriately dismissed as being untimely.

The petitioner has not provided new evidence or additional information not presented at the original proceeding which would change the outcome and the reasons that such evidence was not presented at the original proceeding; or demonstrated that a clear material error has occurred. At the outset, it is unclear why the petitioner expects a July 6, 1999 appointment date. That was the certification date of (OL991381), but no appointments from that certification were made on that date. According to *N.J.A.C.* 4A:4-4.8(b)2, in pertinent part, the appointing authority notifies the Commission of the effective date of the requested appointments by the disposition due date of the certification. In other words, appointments are not the date of the certification unless the appointing authority requests that date, and for (OL991381), the appointing authority selected a later date. The petitioner clearly was not performing the duties of the title until much later, in 2002, and there is no basis for an appointment date earlier than that provided by the Board in *Brown, supra*. It is noted that that decision, which restored his name to the eligible list, did not award back pay.

On a final note, in support of his appeal and this petition, the petitioner has submitted human resource documents which include the social security numbers of other individuals, pay, and attendance records. He also submits correspondence between the Commission and Union County, and the union and Union County, of which the petitioner was not a party. *N.J.S.A.* 56:8-164(a)(4) states that no person, including any public or private entity, shall intentionally communicate or otherwise make available to the general public an individual's Social Security number. Additionally, *N.J.A.C.* 13:45F-5.2 indicates that it is an unlawful practice and a violation of the Consumer Fraud Act, *N.J.S.A.* 56:8-1 *et seq.*, to willfully, knowingly or recklessly violate *N.J.S.A.* 56:8-161 through 164. Therefore, the Commission recommends that the appointing authority investigate this matter to determine if there has been a breach of security of its files, and take any appropriate administrative and/or disciplinary actions it may deem necessary.

ORDER

Therefore, it is ordered that this request be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 1st DAY OF AUGUST, 2018



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Attachment

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